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UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

FARIBA SEPEHRI,)	No. C 07-03847 RMW
)	
Plaintiff,)	
)	
v.)	
)	
MICHAEL CHERTOFF, Secretary;)	JOINT CASE MANAGEMENT
EMILIO T. GONZALEZ, Director of the)	STATEMENT
United States Citizenship and Immigration)	
Services; ROSEMARY MELVILLE,)	
District Director; FRANK SICILIANO,)	
Field Office Director Department of)	
Homeland Security; and ROBERT S.)	
MUELLER, Director of the Federal Bureau)	
of Investigation,)	
)	
Defendants.)	

The parties hereby submit the Joint Case Management Statement. The parties respectfully ask the Court to adopt the Statement without need for a Case Management Conference.

1. Jurisdiction and Service: There are no issues concerning personal jurisdiction or venue. Plaintiffs brought this Complaint under 28 U.S.C. §§ 1331 and 1361, the Administrative Procedure Act, and 28 U.S.C. § 2201. All parties have been served.

2. Facts: On September 25, 2003, Plaintiff applied for adjustment of status. On July 26, 2007, Plaintiff filed the instant Complaint.

3. Legal Issues: The principal legal issue the parties dispute is whether the Court has

jurisdiction to compel agency action in this case and if so, whether a writ a mandamus should issue to remedy Defendants' alleged unreasonable delay in adjudicating Plaintiffs' applications.

4. Motions: None.

5. Amendment of Pleadings: None.

6. Evidence Preservation: None.

7. Disclosures: The parties agree that this Court's review will be confined to the administrative record and therefore this proceeding is exempt from the initial disclosure requirements under Fed. R. Civ. P. 26.

8. Discovery: There has been no discovery to date and the parties believe this matter can be resolved without discovery. No experts will be designated.

9. Class Actions: Not applicable.

10. Related Cases: None.

11. Relief: Plaintiff asks the Court to direct the agency to adjudicate Plaintiff's adjustment of status application and asks for an award of attorneys' fees. This case does not involve damages.

12. Settlement and ADR: The parties filed a Joint Request to Be Exempt From Formal ADR on November 20, 2007.

13. Consent to Magistrate Judge for All Purposes: Plaintiffs do not consent to reassignment of this case to a magistrate judge.

14. Other References: None.

15. Narrowing of Issues: None.

16. Expedited Schedule: The parties believe this matter can be solved through motions.

17. Scheduling: The parties suggest the following dates:

Plaintiffs' Motion for Summary Judgment:	January 18, 2008
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Defendants' Opposition and Cross Motion:	February 1, 2008
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Plaintiffs' Reply:	February 8, 2008
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Defendants' Reply, if any:	February 15, 2008
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The parties request the Court to take the matter under submission without oral argument. Should the Court desire oral argument, the parties respectfully suggest the following date: March 7, 2008,

at 9:00 a.m.

18. Trial: The parties believe the matter can be resolved through the motions for summary judgment.

19. Disclosure of Non-party Interested Entities or Persons: None.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter: None.

Dated: December 7, 2007

Respectfully submitted,

SCOTT N. SCHOOLS
United States Attorney

/s/
MELANIE L. PROCTOR¹
Assistant United States Attorney
Attorneys for Defendants

Dated: December 7, 2007

/s/
CHRISTINA H. LEE
Attorney for Plaintiffs

CASE MANAGEMENT ORDER

Pursuant to the stipulation of the parties, the Case Management Conference set for December 14, 2007 is hereby VACATED. The Joint Case Management Statement and Proposed Order are hereby adopted by the Court as the Case Management Order for the case, and the parties are ordered to comply with this Order. The Motions for Summary Judgment shall be taken under submission at the close of the briefing schedule.

Dated:

RONALD M. WHYTE
United States District Judge

¹I, Melanie L. Proctor, hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/) within this efiled document.